

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JILL NATION,

Plaintiff,

v.

**THOMAS E. MOORE, DDS, and
ROCK DENTAL MISSOURI, LLC,**

Defendants.

Case No.: 3:22 cv 5063 - MDH

ORDER STRIKING PUNITIVE DAMAGES

A federal court sitting in diversity applies state substantive and federal procedural law. *Miller v. Honkamp Krueger Fin. Servs., Inc.*, 9 F.4th 1011, 1016 (8th Cir. 2021). If an item of special damage is claimed, it must be specifically stated. Fed. R. Civ. P. 9(g). Conduct that is outrageous because of the defendant's evil motive or reckless indifference to the rights of others may warrant punitive damages. *Burnett v. Griffith*, 769 S.W.2d 780, 787 (Mo. Banc (1989)).

Plaintiff's amended complaint (Doc. 36) however makes no specified mention or a request for punitive damages as procedurally required under federal law. Further, Plaintiff has not set within their amended complaint any allegations that Defendants acted with evil motive or demonstrated reckless indifference regarding any of the claims alleged as substantially required under state law.

CONCLUSION

Therefore, the Court hereby **DENIES** Plaintiff's request to seek punitive damages at trial. An award of punitive damages will not be an issue in trial of this matter.

IT IS SO ORDERED.

DATED: August 12, 2024

/s/ Douglas Harpool

DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE